

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

CASE NO.: 2:23-cv-01495-JHC

STIPULATION AND
[PROPOSED] ORDER
REGARDING AMAZON'S
PRIVILEGE RE-REVIEW

NOTE ON MOTION CALENDAR:
January 23, 2025

The parties have met and conferred regarding Amazon's re-review of its privilege claims in this case and Plaintiffs' pre-Complaint investigation, and by and through their attorneys of record, hereby stipulate and agree to the following:

1. To the extent not already re-reviewed by Amazon in connection with its privilege re-review in the Private Plaintiff cases¹, Amazon shall re-review all of its privilege claims asserted or maintained in this litigation, including with respect to all documents that: (1) were withheld or redacted by Amazon during Plaintiffs' pre-Complaint investigation that exist in the files of one or more of the Parties' agreed-upon litigation custodians and hit on one or more of the parties'

¹ *De Coster v. Amazon.com, Inc.*, No. 2:21-cv-693-JHC (W.D. Wash.); *Frame-Wilson v. Amazon.com, Inc.*, No. 2:20-cv-424-JHC (W.D. Wash.); *Brown v. Amazon.com, Inc.*, No. 2:22-cv-965-JHC (W.D. Wash.).

1 agreed-upon litigation search terms; (2) were part of targeted document collections by Amazon
 2 during the aforementioned investigation; or (3) were withheld or redacted for the first time in this
 3 litigation.

4 2. Amazon shall substantially complete its re-review of its privilege claims directed
 5 by this Stipulation and Order no later than March 24, 2025, and produce by that date: (1) a revised
 6 privilege log; and (2) all documents as to which Amazon has downgraded or otherwise narrowed
 7 its privilege claims as a result of the re-review.

8 3. Plaintiffs have identified certain custodians as priorities for Amazon's privilege
 9 re-review. Amazon shall substantially complete its re-review of documents that were withheld or
 10 redacted by Amazon during Plaintiffs' pre-Complaint investigation that exist in the files of those
 11 priority custodians (the "Priority Documents") no later than March 7, 2025, and produce by that
 12 date: (1) a revised privilege log covering the Priority Documents; and (2) all of the Priority
 13 Documents as to which Amazon has downgraded or otherwise narrowed its privilege claims as a
 14 result of the re-review.

15 4. Amazon shall produce to Plaintiffs the privilege log(s) that Amazon produces in
 16 connection with its privilege re-review in the Private Plaintiff cases contemporaneously with the
 17 production of that privilege log(s) to the Private Plaintiffs, and no later than January 31, 2025.

18 Stipulated to and respectfully submitted this 23rd day of January, 2025, by:

19
 20 s/ J. Wells Harrell

SUSAN A. MUSSER (DC Bar # 1531486)

21 EDWARD H. TAKASHIMA (DC Bar # 1001641)

22 J. WELLS HARRELL (DC Bar # 995368)

Federal Trade Commission

600 Pennsylvania Avenue, NW

23 Washington, DC 20580

Tel.: (202) 326-2122 (Musser)

24 (202) 326-2464 (Takashima)

Email: smusser@ftc.gov
etakashima@ftc.gov
jharrell@ftc.gov

Attorneys for Plaintiff Federal Trade Commission

s/ Michael Jo

Michael Jo (admitted *pro hac vice*)
Assistant Attorney General, Antitrust Bureau
New York State Office of the Attorney
General
28 Liberty Street
New York, NY 10005
Telephone: (212) 416-6537
Email: Michael.Jo@ag.ny.gov
Counsel for Plaintiff State of New York

s/ Victoria Field

Victoria Field (admitted *pro hac vice*)
Assistant Attorney General
Office of the Attorney General of
Connecticut
165 Capitol Avenue
Hartford, CT 06016
Telephone: (860) 808-5030
Email: victoria.field@ct.gov
Counsel for Plaintiff State of Connecticut

s/ Alexandra C. Sosnowski

Alexandra C. Sosnowski (admitted *pro hac vice*)
Assistant Attorney General
Consumer Protection and Antitrust Bureau
New Hampshire Department of Justice
Office of the Attorney General
One Granite Place South
Concord, NH 03301
Telephone: (603) 271-2678
Email: Alexandra.c.sosnowski@doj.nh.gov
Counsel for Plaintiff State of New Hampshire

s/ Robert J. Carlson

Robert J. Carlson (admitted *pro hac vice*)
Assistant Attorney General
Consumer Protection Unit
Office of the Oklahoma Attorney General
15 West 6th Street, Suite 1000
Tulsa, OK 74119
Telephone: (918) 581-2885
Email: robert.carlson@oag.ok.gov
Counsel for Plaintiff State of Oklahoma

s/ Timothy D. Smith

Timothy D. Smith, WSBA No. 44583
Senior Assistant Attorney General
Antitrust and False Claims Unit
Oregon Department of Justice
100 SW Market St
Portland, OR 97201
Telephone: (503) 934-4400
Email: tim.smith@doj.state.or.us
Counsel for Plaintiff State of Oregon

s/ Jennifer A. Thomson

Jennifer A. Thomson (admitted *pro hac vice*)
Senior Deputy Attorney General
Pennsylvania Office of Attorney General
Strawberry Square, 14th Floor
Harrisburg, PA 17120
Telephone: (717) 787-4530
Email: jthomson@attorneygeneral.gov
Counsel for Plaintiff Commonwealth of Pennsylvania

s/ Michael A. Undorf

Michael A. Undorf (admitted *pro hac vice*)
Deputy Attorney General
Delaware Department of Justice
820 N. French St., 5th Floor
Wilmington, DE 19801
Telephone: (302) 683-8816
Email: michael.undorf@delaware.gov
Counsel for Plaintiff State of Delaware

s/ Christina M. Moylan

Christina M. Moylan (admitted *pro hac vice*)
Assistant Attorney General
Chief, Consumer Protection Division
Office of the Maine Attorney General
6 State House Station
Augusta, ME 04333-0006
Telephone: (207) 626-8800
Email: christina.moylan@maine.gov
Counsel for Plaintiff State of Maine

s/ Schonette Walker

Schonette Walker (admitted *pro hac vice*)
 Assistant Attorney General
 Chief, Antitrust Division
 Office of the Maryland Attorney General
 200 St. Paul Place
 Baltimore, MD 21202
 Telephone: (410) 576-6473
 Email: swalker@oag.state.md.us
Counsel for Plaintiff State of Maryland

s/ Katherine W. Krems

Katherine W. Krems (admitted *pro hac vice*)
 Assistant Attorney General, Antitrust Division
 Office of the Massachusetts Attorney General
 One Ashburton Place, 18th Floor
 Boston, MA 02108
 Telephone: (617) 963-2189
 Email: katherine.krems@mass.gov
Counsel for Plaintiff Commonwealth of Massachusetts

s/ Scott A. Mertens

Scott A. Mertens (admitted *pro hac vice*)
 Assistant Attorney General
 Michigan Department of Attorney General
 525 West Ottawa Street
 Lansing, MI 48933
 Telephone: (517) 335-7622
 Email: MertensS@michigan.gov
Counsel for Plaintiff State of Michigan

s/ Zach Biesanz

Zach Biesanz (admitted *pro hac vice*)
 Senior Enforcement Counsel
 Office of the Minnesota Attorney General
 445 Minnesota Street, Suite 1400
 Saint Paul, MN 55101
 Telephone: (651) 757-1257
 Email: zach.biesanz@ag.state.mn.us
Counsel for Plaintiff State of Minnesota

s/ Lucas J. Tucker

Lucas J. Tucker (admitted *pro hac vice*)
 Senior Deputy Attorney General
 Office of the Nevada Attorney General
 100 N. Carson St.
 Carson City, NV 89701
 Telephone: (775) 684-1100
 Email: LTucker@ag.nv.gov
Counsel for Plaintiff State of Nevada

s/ Andrew Esoldi

Andrew Esoldi (admitted *pro hac vice*)
 Deputy Attorney General
 New Jersey Office of the Attorney General
 124 Halsey Street, 5th Floor
 Newark, NJ 07101
 Telephone: (973) 648-7819
 Email: andrew.esoldi@law.njoag.gov
Counsel for Plaintiff State of New Jersey

s/ Jeffrey Herrera

Jeffrey Herrera (admitted *pro hac vice*)
 Assistant Attorney General
 New Mexico Office of the Attorney General
 408 Galisteo St.
 Santa Fe, NM 87501
 Telephone: (505) 490-4878
 Email: jherrera@nmag.gov
Counsel for Plaintiff State of New Mexico

s/ Zulma Carrasquillo Almena

Zulma Carrasquillo Almena (admitted *pro hac vice*)
 Puerto Rico Department of Justice
 P.O. Box 9020192
 San Juan, Puerto Rico 00902-0192
 Telephone: (787) 721-2900, Ext. 1211
 Email: zcarrasquillo@justicia.pr.gov
Counsel for Plaintiff Commonwealth of Puerto Rico

s/ Stephen N. Provazza
Stephen N. Provazza (admitted *pro hac vice*)
Special Assistant Attorney General
Chief, Consumer and Economic Justice Unit
Department of the Attorney General
150 South Main Street
Providence, RI 02903
Telephone: (401) 274-4400
Email: sprovazza@riag.ri.gov
Counsel for Plaintiff State of Rhode Island

s/ Sarah L.J. Aceves
Sarah L.J. Aceves (admitted *pro hac vice*)
Assistant Attorney General
Public Protection Division
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609
Telephone: (802) 828-3170
Email: Sarah.Aceves@vermont.gov
Counsel for Plaintiff State of Vermont

s/ Laura E. McFarlane
Laura E. McFarlane (admitted *pro hac vice*)
Assistant Attorney General
Wisconsin Department of Justice
Post Office Box 7857
Madison, WI 53707-7857
Telephone: (608) 266-8911
Email: mcfarlanele@doj.state.wi.us
Counsel for Plaintiff State of Wisconsin

MORGAN, LEWIS & BOCKIUS LLP

By: s/ Patty A. Eakes
Patty A. Eakes, WSBA #18888
Molly A. Terwilliger, WSBA #28449
1301 Second Avenue, Suite 2800
Seattle, WA 98101
Phone: (206) 274-6400
Email: patti.eakes@morganlewis.com
molly.terwilliger@morganlewis.com

WILLIAMS & CONNOLLY LLP

Heidi K. Hubbard (*pro hac vice*)
John E. Schmidlein (*pro hac vice*)
Kevin M. Hodges (*pro hac vice*)
Jonathan B. Pitt (*pro hac vice*)
Carl R. Metz (*pro hac vice*)
Carol J. Pruski (*pro hac vice*)
Katherine Trefz (*pro hac vice*)
680 Maine Avenue SW
Washington, DC 20024
Phone: (202) 434-5000
Email: hhubbard@wc.com
khodges@wc.com
jpitt@wc.com
cmetz@wc.com
cpruski@wc.com
ktrefz@wc.com

COVINGTON & BURLING LLP

Thomas O. Barnett (*pro hac vice*)
Katherine Mitchell-Tombras (*pro hac vice*)
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
Phone: (202) 662-5407
Email: tbarnett@cov.com
kmitchelltombras@cov.com

WILKINSON STEKLOFF LLP

Kosta S. Stojilkovic (*pro hac vice*)
2001 M Street NW, 10th Floor
Washington, DC 20036
Phone: (202) 847-4045
Email: kstojilkovic@wilkinsonstekloff.com

Attorneys for Defendant Amazon.com, Inc.

[PROPOSED] ORDER

IT IS SO ORDERED.

DATED this _____ day of _____, 2025.

JOHN H. CHUN
UNITED STATES DISTRICT JUDGE

Presented By:

s/ J. Wells Harrell

SUSAN A. MUSSER (DC Bar # 1531486)
EDWARD H. TAKASHIMA (DC Bar # 1001641)
J. WELLS HARRELL (DC Bar # 995368)
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Tel.: (202) 326-2122 (Musser)
(202) 326-2464 (Takashima)
Email: smusser@ftc.gov
etakashima@ftc.gov
jharrell@ftc.gov

Attorneys for Plaintiff
Federal Trade Commission